

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 2004—Jet Routes

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J-43 (Revised)

From Dolphin, FL; LaBelle, FL; St. Petersburg, FL; Tallahassee, FL; Atlanta, GA; Volunteer, TN; Falmouth, KY; Rosewood, OH; Carleton, MI; to Sault Ste. Marie, MI.

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J-53 (Revised)

From Dolphin, FL; INT Dolphin 354°T(358°M) and Pahokee, FL, 157° radials; Pahokee; INT Pahokee 342° and Orlando, FL, 162° radials; Orlando; Craig, FL; INT Craig 347° and Colliers, SC, 174° radials; Colliers; Spartanburg, SC; Pulaski, VA; INT of Pulaski 015° and Ellwood City, PA, 177° radials; to Ellwood City.

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J-55 (Revised)

From Dolphin, FL; INT Dolphin 331°T(335°M) and Gainesville, FL, 157° radials; INT Gainesville 157° and Craig, FL, 192° radials; Craig; INT Craig 004° and Savannah, GA, 197° radials; Savannah; Charleston, SC; Florence, SC; INT Florence 003° and Raleigh-Durham, NC, 224° radials; Raleigh-Durham; INT Raleigh-Durham 035° and Hopewell, VA, 234° radials; Hopewell; to INT Hopewell 030° and Nottingham, MD, 174° radials. From Sea Isle, NJ; INT Sea Isle 050° and Hampton, NY, 223° radials; Hampton; Providence, RI; Boston, MA; Kennebunk, ME; Presque Isle, ME; to Mont

Joli, PQ, Canada, excluding the portion within Canada.

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J-58 (Revised)

From Oakland, CA, via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Farmington, NM; Las Vegas, NM; Amarillo, TX; Wichita Falls, TX; Dallas-Fort Worth, TX; Alexandria, LA; Harvey, LA; INT of Grand Isle, LA, 105° and Crestview, FL, 201° radials; INT of Grand Isle 105° and Sarasota, FL, 286° radials; Sarasota; Lee County, FL; to the INT Lee County 120°T(122°M) and Dolphin, FL, 293°T(297°M) radials; Dolphin.

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J-73 (Revised)

From Dolphin, FL; LaBelle, FL; Lakeland, FL; Tallahassee, FL; La Grange, GA; Nashville, TN; Pocket City, IN; to Northbrook, IL.

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J-75 (Revised)

From Dolphin, FL; INT Dolphin 293°T(297°M) and Lee County, FL, 120°T(122°M) radials; Lee County; INT Lee County 340° and Taylor, FL, 176° radials; Taylor; INT Taylor 019° and Columbia, SC, 203° radials; Columbia; Greensboro, NC; Gordonsville, VA; INT Gordonsville 040° and Modena, PA, 231° radials; Modena; Solberg, NJ; Carmel, NY; INT Carmel 045° and Boston, MA, 252° radials; to Boston.

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J-79 (Revised)

From Key West, FL; INT Key West 038°T(037°M) and Dolphin, FL, 244°T(248°M) radials; Dolphin; Palm Beach, FL; Vero Beach, FL; Ormond Beach, FL; INT Ormond Beach 356° and Savannah, GA, 184° radials; INT Savannah 184° and Charleston, SC, 212° radials; Charleston; Tar River, NC; Franklin, VA; Salisbury, MD; INT Salisbury 018° and Kennedy, NY, 218° radials; Kennedy; INT Kennedy 080° and Nantucket, MA, 254° radials; INT Nantucket 254° and Marconi, MA, 205° radials; Marconi; INT Marconi 006° and Bangor, ME, 206° radials; Bangor.

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J-81 (Revised)

From Dolphin, FL; INT Dolphin 354°T(358°M) and Pahokee, FL, 157° radials; Pahokee; INT Pahokee 342° and Orlando, FL, 162° radials; Orlando; Cecil; INT Cecil 007° and Craig, FL, 347° radials; INT Craig 347° and Colliers, SC, 174° radials; Colliers.

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J-85 (Revised)

From Dolphin, FL; INT Dolphin 331°T(335°M) and Gainesville, FL, 157° radials; Gainesville; Taylor, FL; Alma, GA; Colliers, SC; Spartanburg, SC; Charleston, WV; INT of the Charleston 357° and the Dryer, OH, 172° radials; Dryer. The portion within Canada is excluded.

J-86 (Revised)

From Boulder City, NV, via Peach Springs, AZ; Winslow, AZ; El Paso, TX; Fort Stockton,

TX; Junction, TX; Austin, TX; Humble, TX; Leeville, LA; INT of Leeville 104° and Sarasota, FL, 286° radials; Sarasota; INT of Sarasota 103° and La Belle, FL, 313° radials; La Belle; Dolphin, FL.

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Issued in Washington, DC, on May 4, 1995.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

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DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

Customs Service Field Organization—San Jose, California

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations pertaining to the field organization of the Customs Service by designating San Jose as a port of entry in the Customs District of San Francisco, California, of the Pacific Region. The change is being proposed as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers and the general public.

DATES: Comments must be received on or before July 10, 1995.

ADDRESSES: Written comments (preferably in triplicate) may be submitted to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, 1099 14th Street NW., Suite 4000, Washington, DC, on regular business days between the hours of 9 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Brad Lund, Office of Inspection and Control (202-927-0192).

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public, Customs is proposing to amend §§ 101.3 and 101.4, Customs Regulations (19 CFR 101.3 and 101.4) by designating a four county area surrounding San Jose, California, as a port of entry for Customs

purposes in the Customs District of San Francisco, California, within the Pacific Region. Part of this four county area, Monterey, is presently listed in § 101.4(c), Customs Regulations, as a Customs station within the San Francisco District. San Jose is presently part of the port of entry of San Francisco.

The city of San Jose, California, has requested designation of the four county area surrounding San Jose as a port of entry and has stated that the efficiency in having a port of entry located in San Jose would represent a considerable saving of time and cost for the business community. The city states that firms in the South Bay Area will benefit from the advantages of having their cargo cleared at the San Jose port of entry. It also anticipates that more cargo will be shipped to the area and that the result will be additional Customs revenue and increased Federal benefits.

The request for designation has been concurred with by the Immigration and Naturalization Service of the Department of Justice and by the Animal and Plant Health Inspection Service of the Department of Agriculture. Various elected officials, local corporations and associations also support the request.

The criteria used by Customs in determining whether to establish a port of entry are found in T.D. 82-37 (47 FR 10137), as revised by T. D. 86-14 (51 FR 4559) and T.D. 87-65 (52 FR 16328). Under these criteria, a community requesting a port of entry designation must: (1) Demonstrate that the benefits to be derived justify the Federal Government expense involved; (2) be serviced by at least two major modes of transportation (rail, air, water, or highway); (3) have a minimum population of 300,000 within the immediate service area (approximately a 70 mile radius); and (4) make a commitment to make optimal use of electronic data transfer capabilities to permit integration with Customs Automated Commercial System (ACS), which provides a means for the electronic processing of entries of imported merchandise. Further, the actual or potential Customs workload (*i.e.*, number of transactions per year) at the proposed port of entry must meet one of several alternative minimum requirements, among which are 15,000 passenger arrivals and 2500 consumption entries per year. Finally, facilities at the proposed port of entry must include cargo and passenger facilities, warehousing space for the secure storage of imported cargo pending final Customs inspection and release, and administrative office space,

inspection areas, storage areas and other space necessary for regular Customs operations.

San Jose International Airport is currently staffed by Customs on a rotational basis. If the port of entry is approved, the rotational positions currently assigned to San Jose will be converted to permanent positions. Any relocation costs will be paid out of COBRA funds.

The request for port of entry status states that there will be several Federal Government benefits if the port of entry is approved. Approval will support the national goal of United States competitiveness by strengthening the economic competitiveness of one of the nation's most critical high technology areas. It will increase the efficiency of the regional Customs service by improving the distribution of entries which must be cleared through the San Francisco-Oakland port and the San Jose port. It will decrease congestion on the Bay Area's freeways due to shipments going directly to San Jose International Airport. Finally, it will further the Customs goal of increased automation, since San Jose International Airport has provided the equipment necessary to supply a fully automated, highly efficient Customs port.

The proposed port of entry will be served by three major modes of transportation (air, rail and highway).

The proposed port of entry has a population of 2,167,000.

The City of San Jose has committed to the optimal use of electronic data input equipment and software to permit integration with any Customs system for electronic processing of commercial entries. San Jose International Airport has provided, at no cost to the Federal Government, computer equipment and systems which are needed to comply with the goals of the National Customs Automation Program.

According to recent statistics, San Jose International Airport has an annual workload of 92,246 arriving international passengers and 4854 formal entry releases, plus 2066 informal entry releases.

Cargo and passenger facilities have been provided for Customs operations at San Jose International Airport. The Customs facility is a 23,000 square foot modular facility in a secure portion of the airport. This facility provides the necessary administrative office space, inspection rooms and other space required for performing regular Customs operations.

Based on the information provided above, Customs believes that San Jose meets the current standards for port of entry designations set forth in T. D. 82-

37, as revised by T. D. 86-14 and T. D. 87-65.

Proposed Limits of Port of Entry

The geographical limits of the proposed port of entry of San Jose would be as follows:

All of Santa Clara, Santa Cruz, Monterey and San Benito Counties in the State of California.

If the proposed port of entry designation is adopted, the lists of Customs regions, districts, ports of entry and stations in 19 CFR 101.3(b) and 101.4(c) will be amended accordingly.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Suite 4000, 1099 14th St. NW., Washington, D.C.

Authority

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

The Regulatory Flexibility Act and Executive Order 12866

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this document is being issued for public comment, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this are exempt from consideration under Executive Order 12866.

Drafting Information

The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

Approved: April 10, 1995.

William F. Riley,

Acting Commissioner of Customs.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

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DEPARTMENT OF THE INTERIOR

Mineral Management Service

30 CFR Part 250

RIN 1010-AB50

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule revises requirements for preventing hydrogen sulfide (H₂S) releases and protecting human safety. Requirements for visual and audible warning systems, personnel protection, training, H₂S and sulphur dioxide (SO₂) detection and monitoring, and H₂S flaring are proposed.

DATES: Comments must be received or postmarked no later than July 10, 1995 to be considered in this rulemaking.

ADDRESSES: Comments should be mailed or hand-carried to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070-4817; Attention: Chief, Engineering and Standards Branch.

FOR FURTHER INFORMATION CONTACT: E.P. Danenberger, telephone (703) 787-1598, or John Mirabella, (703) 787-1600.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1989 (54 FR 2332), the Occupational Safety and Health Administration (OSHA) published a final rule in the **Federal Register** to amend requirements contained in 29 CFR 1910.1000. The requirements concerned permissible exposure limits (PEL) for 164 toxic substances that included H₂S and SO₂. The Minerals Management Service (MMS) determined that its regulations at § 250.67 should be revised to be consistent with OSHA's PEL's and published proposed revisions in the **Federal Register** on August 15, 1990 (55 FR 33326). Requirements for training, signs, SO₂ sensors, mud sensors, and materials were also revised or added, and additional information was requested regarding the calibration frequency of H₂S sensors.

A Circuit Court Appeals Action invalidated OSHA's final rule. As a consequence, OSHA resumed enforcing contaminant exposure limits that were in effect prior to the issuance of new limits on January 19, 1989. Because of the extensive revisions resulting from comments to the proposed rule (published on August 15, 1990), and because of the court decision on OSHA's 1989 final rule, MMS is re-proposing the rule and requesting additional comments.

The MMS proposes to retain the H₂S concentration level thresholds similar to those in the current rule. Also, new sections concerning H₂S flaring and SO₂ concentration levels have been added.

The MMS proposes to incorporate the latest editions of the American National Standards Institute's (ANSI) American National Standard Practices for Respiratory Protection (ANSI Z88.2-1980) and the National Association of Corrosion Engineers' (NACE) Standard (MR-01-75), Recommended Practice (RP), Sulfide Stress Cracking Resistant Metallic Materials for Oil Field Equipment.

Discussion of Specific Comments

The following comments and responses are grouped by specific section or paragraph title.

Subpart D—Oil and Gas Drilling Operations

§ 250.67(b) Definitions.

Comment: The term "potentially result in atmospheric concentrations of 15 ppm or more of H₂S" is vague and the definition for "Zones known to contain H₂S" should be limited to facilities known to contain H₂S where atmospheric concentrations of 10 parts per million (ppm) or more of H₂S have been verified.

Response: Because human safety is dependent upon advance preparation, the definition for zones known to contain H₂S must be based on the potential for a high volume release. Gas with an H₂S concentration of only 20 ppm, if released at a rate of 1,000,000 cubic feet per day (1,000 MCFD), exposes all personnel within 24 feet to concentrations of 20 ppm (Pasquill-Gifford dispersion equation using wind speed of 1 mile per hour). Therefore, the definition encompasses most H₂S-bearing zones which could flow in volumes of 1,000 MCFD or more.

The 15-ppm concentration mentioned in the above comment has been changed to 20 ppm, as currently required in the regulations.

§ 250.67(c) Request for classification of probability of encountering H₂S during operations.

Comment: The definition of "Zones where the absence of H₂S has been confirmed," should recognize the possibility of H₂S being generated as a result of water flooding.

Response: The MMS agrees that H₂S could be generated during production operations in the initial stages of a new water flood project. Paragraph (c) is amended to require a reclassification when new data indicate the presence of H₂S.

§ 250.67(e) Drilling and well-completion operations in zones where the presence of H₂S is unknown.

Comment: The first sentence of § 250.67(e) should be revised to require compliance with well-control fluid provisions in zones where the presence of H₂S is unknown.

Response: The MMS agrees with this suggestion. Compliance with the fluid program requirements of paragraph (i) in an unknown area would enable the operator to safely continue operations if H₂S is encountered. The title and text of paragraph (e) have been revised accordingly.

§ 250.67(h)(1) H₂S Contingency Plan.

Comment: Two commenters suggested a requirement for H₂S-detection, monitoring, and alarm systems on vessels attendant to a facility. Hydrogen sulfide is heavier than air and tends to settle and accumulate in lower areas. The commenters are concerned that horns and lights from a production platform may be insufficient to warn a vessel tied up below the platform or that gas might accumulate at the vessel rather than the producing facility.

Response: The MMS agrees that a low volume, low-concentration release of H₂S might migrate down to a vessel moored on the leeward side of the facility and be detected on the vessel before the platform. The need for H₂S sensors on attendant vessels depends on the positioning procedures described in the Contingency Plan. Requirements for sensors are specified in § 250.67(h)(6) H₂S-detection and H₂S-monitoring equipment (formerly paragraph (h)(5)). A new paragraph (h)(6)(v) has been added to require H₂S-detection systems on certain vessels attendant to facilitates.

During a recent drilling operation, it was necessary to divert gas containing H₂S. Personnel from platforms as far away as 12 miles had to be evacuated. This incident identified the importance of notifying nearby manned facilities. The MMS has proposed to require lists